

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
)
v.)
)
JESSIE DAVID GOUGH)

Case No. 3:21-CR-91

SECOND MOTION TO CONTINUE TRIAL AND ALL ASSOCIATED DEADLINES

The Defendant, Jessie Gough, by and through undersigned counsel, respectfully moves this Honorable Court to enter an Order continuing the trial and all associated deadlines in this matter.

In support, the following is stated:

1. Mr. Gough is charged in a one-count indictment with unlawful possession of a firearm and ammunition in violation of 18 U.S.C. 922(g).

2. On September 20, 2021, the Honorable Magistrate Judge Guyton entered an Order on Discovery and Scheduling [Doc. 8]. On October 5, 2021, Judge Guyton entered an Amended Order on Discovery and Scheduling [Doc. 9] that set this matter for trial on November 30, 2021.

3. The Government provided Mr. Gough with discovery on September 24, 2021.

4. On October 15, 2021, Mr. Gough filed a Motion to Continue Trial and All Associated Deadlines [Doc. 13] which was not opposed by the Government. This Court granted that motion on November 11, 2021 and entered a Memorandum and Order [Doc. 14] setting the case for trial on March 1, 2022. The pre-trial motions deadline is November 30, 2021.

5. Approximately a week ago, undersigned counsel gave notice to The Garza Law Firm, PLLC, that he is resigning his current position to pursue other opportunities. Mr. Gough will continue to be represented by The Garza Law Firm, PLLC, but to this point, undersigned counsel has had primary responsibility for Mr. Gough's case. Incoming counsel from the Firm will need

additional time to review discovery, continue investigation, and pursue legal strategies that may require litigation of pre-trial motions.

6. To enable incoming counsel to adequately prepare Mr. Gough's case, Mr. Gough respectfully requests that the trial and all associated pre-trial deadlines be extended approximately eight weeks from their current settings.

7. 18 U.S.C. § 3161(h)(7)(A) permits this Court to delay trial when the Court makes "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." These findings may be made "in a case which, taken as a whole, is not so unusual or so complex as to fall within [18 U.S.C. § 3161(h)(7)(B)(ii)]" but when the failure to grant a continuance "would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." 18 U.S.C. § 3161(h)(7)(B)(iv).

8. Mr. Gough submits that counsel has diligently attempted to prepare this case, but that under the time limits established by the Speedy Trial Act and set forth in the Court's Memorandum and Order [Doc. 12], counsel has not had sufficient time to do so.

9. Undersigned counsel has spoken with counsel for the Government and the Government has no objection to this motion.

Respectfully submitted,

s/Tyler M. Caviness

Tyler M. Caviness, BPR #036273

GARZA LAW FIRM, PLLC

550 West Main Street, Suite 340

Knoxville, Tennessee 37902

(865) 540-8300, Fax: (865) 474-9397

info@garzalaw.com

Attorney for Mr. Gough

CERTIFICATE OF SERVICE

I, Tyler M. Caviness, hereby certify that a copy of the foregoing was filed electronically on November 29, 2021. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this document through the Court's electronic filing system.

s/Tyler M. Caviness
TYLER M. CAVINESS